

**REORGANIZATION MEETING
BUFFALO COUNTY BOARD OF SUPERVISORS
TUESDAY, JANUARY 13, 2009
9:00 A.M.**

County Clerk Janice Giffin announced that it was 9:00 A.M., Tuesday, January 13, 2009 and called the Reorganization Meeting of the Buffalo County Board of Supervisors to order. Following the Pledge of Allegiance, the County Board members responded to roll call as follows; Horace Dannehl, Kent Greder, Ivan Klein, Timothy Loewenstein, Sherry Morrow and Richard Pierce. Absent: William McMullen. County Clerk Janice Giffin announced that a quorum was present to conduct County business and that posting and publishing gave notice of the meeting in advance, thereof. Notice of the meeting was simultaneously given to all members of the Board of Supervisors; and availability of the agenda was communicated in the advance notice and in the notice to the Board of Supervisors of this meeting. Said agenda was also furnished to all area news media. A copy of the acknowledgment and receipt of notice and agenda by the Board of Supervisors is attached to these minutes. County Clerk Janice Giffin took all proceedings hereinafter shown; while the convened meeting was open to the public. County Attorney Shawn Eatherton was present.

REORGANIZATION AGENDA

County Clerk Janice Giffin called for the election of a Chairman.

Morrow nominated Richard Pierce for Chairman of the Buffalo County Board of Supervisors, which was seconded by Loewenstein. County Clerk Giffin called for nominations three times. There were no further nominations. There was no discussion, therefore upon roll call vote, the following board members voted “Aye”: Morrow, Loewenstein, Dannehl, Greder, and Klein. Abstain: Pierce. Absent: McMullen. Motion declared carried.

County Clerk Janice Giffin turned the meeting over to Chairman Richard Pierce.

Chairman Pierce called for the election of a Vice Chairman.

Loewenstein nominated Horace Dannehl for Vice-Chairman of the Buffalo County Board of Supervisors, which was seconded by Morrow. There were no further nominations. There was no discussion, therefore upon roll call vote, the following board members voted “Aye”: Loewenstein, Morrow, Greder, Klein, and Pierce. Abstain: Dannehl. Absent: McMullen. Motion declared carried.

Chairman Pierce called for Citizens Forum as per the agenda. No one was present to address the Board at this time.

Moved by Morrow and seconded by Klein to approve the following applications for depositories of County Monies: Exchange Bank of Gibbon, Farmers & Merchants Bank, First State Bank Shelton, Firstier of Elm Creek, Nebraska National Bank, Platte Valley State Bank & Trust, TierOne Bank of Kearney, Town & Country Bank of Ravenna and Wells Fargo Bank. Morrow also noted that all of the banks in Buffalo County should be sent the application and if more banks applied they would be reviewed at a later date for possible approval. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Dannehl, Greder, Loewenstein, and Pierce. Absent: McMullen. Motion declared carried.

Moved by Loewenstein and seconded by Greder to authorize the County Treasurer to invest the County Funds at the Banks that have been approved and this item can be reviewed again after more applications are received. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, Morrow and Pierce. Absent: McMullen. Motion declared carried.

Chairman Pierce then made the following Agency Appointments with the noted County Board Representatives:

1. Airport Zoning Board - Timothy Loewenstein & William McMullen
2. Buffalo Co. Community Health Partners Board of Directors- Kent Greder
3. Buffalo Co. Extension Board-Kent Greder
4. Central Community College Advisory Board -Timothy Loewenstein
5. Community Action Partnership of Mid-Nebraska Board -Richard Pierce
6. Economic Development Council- Richard Pierce & Timothy Loewenstein
7. Kearney Area Visitors Bureau Advisory Board -William McMullen
8. Mid-NE Individual Services Advisory Board- Ivan Klein
9. Region III Governing Board -Sherry Morrow
10. Senior Hospitality Center Board of Directors -Kent Greder
11. Solid Waste Agency -Sherry Morrow
12. South Central Economic Development Council- Timothy Loewenstein & Lynn Rauner (Alternate)

- 13. South Central NE Area Agency on Aging Governing Board- Ivan Klein
- 14. South Central Resource Conservation & Development (RC&D) –Ivan Klein
- 15. Two River Public Health Department-Richard Pierce

Chairman Pierce then made the following miscellaneous appointments:

- 1. Appointment of County Medical Doctor- the on-call Doctor belonging to the Co. Medical Association
- 2. Legal Newspaper Designations- The Kearney Hub and the Gibbon Reporter
- 3. Buffalo County NIRMA (Nebraska Intergovernmental Risk Management Association) Contact –Jan Giffin
- 4. Board of Supervisors Committees (Each committee will elect their own Chairperson)

<u>Budget & Finance Committee</u>	Sherry Morrow Bill McMullen Ivan Klein
<u>Building & Grounds Committee</u>	Hoss Dannehl Sherry Morrow Tim Loewenstein
<u>Construction Oversight Committee</u>	Dick Pierce Hoss Dannehl Sherry Morrow
<u>Court & Judicial Committee</u>	Jake Greder Sherry Morrow Ivan Klein
<u>Law Enforcement/Public Safety Committee</u>	Tim Loewenstein Ivan Klein Bill McMullen
<u>Road & Bridge Committee</u>	Bill McMullen Hoss Dannehl Ivan Klein
<u>Weed Committee</u>	Ivan Klein Hoss Dannehl Bill McMullen
<u>Technology Committee</u>	Tim Loewenstein Sherry Morrow Jake Greder
<u>Zoning Committee</u>	Dick Pierce Sherry Morrow Tim Loewenstein
<u>Human Resource/Insurance</u>	Hoss Dannehl Bill McMullen Jake Greder
<u>Veterans Service Committee</u>	Bill McMullen Sherry Morrow Dick Pierce

CONSENT AGENDA

Chairman Pierce inquired if there was anything which needed to be removed from the Consent agenda. There was nothing to be removed therefore; Chairman Pierce declared the General County Business listed below approved without further hearing.

GENERAL COUNTY BUSINESS

- 1. Approve December 16, 2008 and December 23, 2008 minutes
- 2. Accept Reports
 - Community Action R.Y.D.E. November 2008 Report
 - Buffalo County Detention Center December 2008 Report
 - Clerk of District Court December 2008 Report
- 3. Miscellaneous County Business
 - Approve early claims

County Clerk Janice Giffin submitted the following early claims to the Board for approval.

<u>ROAD FUND</u>			
CROSSROADS FORD INC	EQ	EQUIPMENT	9,900.00

BOND FUND			
BECKENHAUER CONSTRUCTION	C	CONSTRUCTION	401,121.00

JUSTICE CENTER PROJECT

Buster Beckenhauer, Construction Manager of the Justice Center Project was present for updated reports and discussion with the Board. Beckenhauer reported on the opening of Phase 1A for the temporary Courts, the Justice Center project Phase 1B and the beginning of Phase 1C for the new County Attorney’s office. After the Beckenhauer reports, the following actions were taken by the County Board.

Moved by Dannehl and seconded by Morrow to extend the bid date for Phase 1C to February 2, 2009 at 2:00 P.M. with the opening date of February 3, 2009 at a special Board meeting at 9:00 A.M. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Greder, Klein, Loewenstein and Pierce. Absent: McMullen. Motion declared carried.

Moved by Greder and seconded by Dannehl to authorize Beckenhauer Construction to proceed with the handling of the asbestos in Phase 1C. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Klein, Loewenstein, Morrow and Pierce. Absent: McMullen. Motion declared carried.

REGULAR AGENDA

Extension Educator Brent Plugge was present to recommend Susan Feldner to fill the vacancy of Deb Zwiener for a two year term on the Extension Board. Moved by Greder and seconded by Dannehl to appoint Susan Feldner to the Extension Board. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Klein, Loewenstein, Morrow and Pierce. Absent: McMullen. Motion declared carried.

Charles McGraw and Ed Butler from Community Action Partnership of Mid-Nebraska were present to discuss Coordinated Public Transportation with the RYDE program. Handouts were presented and Board members were encouraged to attend the Community Transportation Association of America sponsored by the Nebraska Department of Roads on March 16th through March 18th in Kearney.

Chairman Pierce then reviewed the following correspondence with the Board. A questionnaire request from the U.S. Census Bureau regarding emergency shelters, homelessness and soup kitchens was turned over to Emergency Manager Darrin Lewis. The Buffalo County Community Partners newsletter was received. The Road Department sent a report on roadtop maintenance petitions. Information from NIRMA was received about two NIRMA Board vacancies. Projuris sent correspondence about contracting with their company to recover judgments due Buffalo County. Nebraska Department of Environmental Quality sent notice of Application for Major Modification for Lewis Feedlot Concentrated Animal Feeding Operation. Chairman Pierce then called for the various committee reports from each Board member.

Moved by Loewenstein and seconded by Greder to authorize the Board of Supervisors to sign the Lancaster County Youth Services Agreement. County Attorney Eatherton stated that this agreement is a renewal of previous commitments. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, Morrow and Pierce. Absent: McMullen. Motion declared carried.

Emergency Manager Darrin Lewis was present to discuss the Homeland Security Grant Funds. Moved by Loewenstein and seconded by Greder to authorize the Emergency Manager to move forward with the proposal on the purchase of communication equipment. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, Morrow and Pierce. Absent: McMullen. Motion declared carried.

Moved by Dannehl and seconded by Morrow to approve additional services of Goldberg, Sullivan & McCreery. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Greder, Klein, Loewenstein and Pierce. Absent: McMullen. Motion declared carried.

Sergeant Harpst was present to answer questions about the special designated liquor license application for the Nebraska Army National Guard military ball on February 13, 2009. Moved by Morrow and seconded by Klein to approve the special designated liquor license for the Nebraska Army National Guard. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Dannehl, Greder, Loewenstein and Pierce. Absent: McMullen. Motion declared carried.

Deputy County Attorney Andrew Hoffmeister was present for discussion on the road maintenance on West 29th Street in Paradise Acres Subdivision. Moved by Loewenstein and seconded by Dannehl to approve roadtop maintenance subject to the following conditions: 1) satisfactory inspection from the Road Department of matters disclosed in letter he gave to subdivision association that was copied to and reviewed by this Board today, 2) title clearance approved by the County

Attorney's office, and 3) that the foregoing two requirements are completed no later than March 31, 2009. Should this Board receive written report of compliance filed with the Clerk by March 31, 2009, this Board will consider Resolution for Buffalo County to take on surface maintenance of this Street. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Greder, Klein, Morrow and Pierce. Absent: McMullen. Motion declared carried.

Noted at this time was the roadtop maintenance request of 95th Street and Windy Meadows Road. The Board had accepted the petition on November 25, 2008 and turned the petition over to the Road Department for review. Correspondence was received back from the Road Department regarding this request and this request will be placed on the January 27, 2009 Agenda.

Moved by Greder and seconded by Klein to recess the regular meeting of the Board of Supervisors at 10:53 A.M. and reconvene as a Board of Equalization. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

BOARD OF EQUALIZATION

Chairman Pierce called the Board of Equalization to order in open session. County Treasurer Jean Sidwell and County Assessor Joe Woodward were present.

Moved by Greder and seconded by Klein to approve tax list corrections 3476 through 3501 and 3503 through 3508 submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Dannehl, Loewenstein, Morrow and Pierce. Absent: McMullen. Motion declared carried.

Moved by Greder and seconded by Dannehl to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Sidwell for Corpus Christi Carmelite Sisters on a 2002 Buick 4-dr Century, a 2000 Buick 4-dr LeSabre, a 2002 Pontiac Montana van, a 2000 Chevrolet Cutaway van, and a 2005 Toyota 4-dr Camry. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Klein, Loewenstein and Pierce. Absent: McMullen. Motion declared carried.

Moved by Klein and seconded by Loewenstein to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Sidwell for the Salvation Army on a 1998 Ford F700 Truck, a 2002 Dodge Grand Caravan, a 2003 GMC Savana, and a 2006 Chevrolet Express van. Upon roll call vote, the following Board members voted "Aye": Klein, Loewenstein, Dannehl, Greder, and Pierce. Abstain: Morrow. Absent: McMullen. Motion declared carried.

Moved by Loewenstein and seconded by Dannehl to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Sidwell for Faith United Methodist Church on a 1999 GMC Savanna van, and a 2006 American Hauler enclosed trailer. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Klein, Morrow, and Pierce. Abstain: Greder. Absent: McMullen. Motion declared carried.

Moved by Greder and seconded by Dannehl to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Sidwell for South Central Behavioral Services, Inc. on a 2006 Chrysler PT Cruiser sedan, a 2007 Toyota Camry sedan, a 2000 Dodge Intrepid sedan, a 2002 Dodge Intrepid sedan, a 2003 Dodge Intrepid sedan; Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Klein, Loewenstein, Morrow, and Pierce. Absent: McMullen. Motion declared carried.

Moved by Loewenstein and seconded by Dannehl to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Sidwell for United Methodist Conference on a 2004 Honda CR-V station wagon. Supervisor Morrow excused herself at 11:00 A.M. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Greder, Klein and Pierce. Absent: McMullen and Morrow. Motion declared carried.

Moved by Klein and seconded by Dannehl to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Sidwell for Good Samaritan Health Systems on two 2006 Dodge Caravans, a 2005 Dodge Caravan, a 1993 Ford van, two 1997 Ford vans, a 1995 Ford van, a 2003 Ford van, a 1993 Ford Ambulance, a 1998 Ford Ambulance, two 2002 Ford Ambulances, a 2003 Ford van, a 1999 Ford Ambulance, a 2008 Ford Econo Super Duty, a 2006 Ford Ambulance, a 2007 Ford Explorer, a 2006 Ford Freestyle, a 2000 Ford Explorer, a 1994 Ford Econoline van, a 1995 Econoline van, a 2002 Ford van, a 1994 Chevrolet pickup, a 2003 Pontiac van, a 1996 Sierra pickup, a 2007 Road King trailer, a 1999 Dodge Intrepid, a 2005 Diamond T trailer, a 1988 Ford F350 van, and a 1986 Ford van. Upon roll call vote, the following Board members voted "Aye": Klein, Dannehl, Greder, Loewenstein and Pierce. Absent: McMullen and Morrow. Motion declared carried.

Moved by Dannehl and seconded by Greder to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Sidwell for First United Methodist Church for a 1996 Ford van and a 2001 Chevrolet van. Upon roll call vote, the following Board members voted “Aye”: Dannehl, Greder, Klein and Pierce. Absent: McMullen and Morrow. Motion declared carried.

Moved by Greder and seconded by Klein to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Sidwell for Literary Society of St. Catherine of Sienna for a 1998 Ford 4-dr Taurus. Upon roll call vote, the following Board members voted “Aye”: Greder, Klein, Dannehl, Loewenstein and Pierce. Absent: McMullen and Morrow. Motion declared carried.

Moved by Loewenstein and seconded by Klein to recess the Board of Equalization at 11:10 A.M. and to return to the regular meeting of the Board of Supervisors. Upon voice vote all Board Members voted “Aye”. None voted “Nay”. Motion declared carried.

Moved by Loewenstein and seconded by Greder to move into Executive Session at 11:10 A.M. to discuss personnel issues. County Attorney Shawn Eatherton was present. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein and Pierce. Absent: McMullen and Morrow. Motion declared carried. Supervisor Morrow arrived at 11:15 A.M.

Moved by Greder and seconded by Klein to return to the open meeting at 11:27 A.M. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Dannehl, Loewenstein, Morrow and Pierce. Absent: McMullen. Motion declared carried.

ZONING

At 11:30 A.M. Chairman Pierce reopened the Subdivision Rules and Regulations hearing continued from the November 12, 2008 hearing. Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein were present at this time. Draft copies of discussion points were made available to the public and are on file with the County Clerk. Much of the discussion evolved around opposition to the section of the regulations that would require all roads in subdivisions to be paved. Public members who addressed the Board were Steve Linden, Betty Warren, Mitch Humphrey, Trenton Snow, Buss Biehl, James Friesen, County Assessor Joe Woodward and Tom McCarty. Supervisor Morrow excused herself at 11:55 A.M. Deputy County Clerk Leora Hofmann took over the proceedings at 12:30 P.M. for County Clerk Giffin. Chairman Pierce closed the public hearing at 12:56 P.M. and the subdivision rules and regulations will be placed on the January 27, 2009 Board meeting.

Chairman Pierce asked if there was anything else to come before the Board at 12:57 P.M. before he declared the meeting adjourned until the regular meeting on Tuesday, January 27, 2009 at 9:00 A.M.